

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CHRISTINE MARIE HUNTER,

*Plaintiff,*

v.

Case No. SA-22-CV-01099-JKP

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

**ORDER AWARDING ATTORNEY FEES UNDER EAJA**

Before the Court is Plaintiff's unopposed Motion for Award of Attorney Fees under the Equal Access to Justice Act (EAJA). *ECF No. 16*. Upon consideration, the Court concludes the Motion shall be **GRANTED**.

Plaintiff seeks attorney's fees pursuant to 28 U.S.C. § 2412(a) as the "prevailing party" in this case. The EAJA provides a mandatory attorney's fee award for a prevailing party who meets certain financial eligibility requirements. *Baker v. Bowen*, 839 F.2d 1075, 1079-80 (5th Cir. 1988). Once the movant establishes these facts, the government must pay attorney's fees unless it proves its position was substantially justified or shows special circumstances that make an award unjust. *Id.*

In support of the Motion, Plaintiff's counsel submitted an itemization of the hours he spent representing Plaintiff. Counsel spent a total of 41.5 hours on this case at a rate of \$220.00 per hour, but requests compensation for 34.0 hours. Counsel requests a total award of attorney's fees in the amount of \$7,480.00. Plaintiff's attorney attests to total costs of

\$402.00 in court costs. Defendant does not oppose the requested fees or costs. The Court finds the assessed hourly rates for fees during the applicable years are appropriate and the total hours assessed are reasonable.


Upon review of the motion and the record in this case, and in light of the lack of opposition on the part of Defendant, the Court finds Plaintiff's attorney is entitled to an award of attorney's fees under the EAJA. Accordingly, the Court **GRANTS** Plaintiff's Motion for Attorney's Fees and awards \$7,410.00 in attorney fees.

IT IS FURTHER ORDERED that costs charged against the government of the United States are paid from the Judgment Fund by the Department of the Treasury under 31 U.S.C. § 1304. The Office of the United States Attorney should certify \$420.00 as costs to the Department of Treasury for payment.

Defendant is ordered to make the check payable to Christine Marie Hunter but mail the check, as assigned, to the address of Plaintiff's attorney, David Chermol, Chermol & Fishman, LLC, 11450 Bustleton Ave., Philadelphia, PA 19116.

It is so ORDERED.

SIGNED this 7th day of August, 2023.



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JASON PULLIAM  
UNITED STATES DISTRICT JUDGE